IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 4389 of 2001

CR.MP(TP).1061/2001 OF SESSIONS COURT, TRIVANDRUM
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PETITIONERS/PETITIONERS
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1. **REMAKANTHAN, S/O. KUTTAN,**
   BOUNDARY MUKKU ROADARIKATHU HOUSE,
   KOTTAKAKOM MURI, ARYANAD VILLAGE.

2. **RAJENDRAN, S/O. KRISHNANKUTTY,**
   THARIARKUNJU THADATHARIKATHU VEEDU,
   KOTTAKAKOM MURI, ARYANAD VILLAGE.

BY ADV. SRI.K.SATHEESH KUMAR
SRI.T.A.UNNIKRISHNAN

RESPONDENTS/CR. PETITIONER

STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NO. 3594/2001 IN CR MC NO. 4389/2001.

DISMISSED

25/10/2007. SD/- K.R.UDAYABHANU, JUDGE.

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K.R. UDAYABHANU, J.

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CRL.M.C.NO. 4389 OF 2001

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DATED THIS THE25TH OCTOBER 2007

ORDER

The petitioners who are accused in S.T.No.166/2000 in the Court of Judicial First Class Magistrate-II, Nedumangad has sought for the same transferred to the court in which court S.C.No.850/2000 with respect to the offence including Section 307 I.P.C. and Section 3 (2) (c) of the P.D.P.P.Act is pending in which the petitioners are also accused.

I find that the Sessions Judge as per order dated 7-6-2001 has rightly dismissed the application as no Court of Sessions can take cognizance of an offence as a court of original jurisdiction, unless the case has been committed to it by a Magistrate as provided under Section 193 Cr.P.C. Hence, without committal S.T.No.166/2000 cannot be transferred to the file of the Assistant Sessions Court. I find there is no merit in the petition. The criminal miscellaneous case is dismissed.

ks. **K.R.UDAYABHANU, JUDGE**

K.R.UDAYABHANU, J

CRL.M.C.NO. 4389 OF 2001

ORDER

25-10-2007